

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARIO KEVON MITCHELL,)	
)	
Petitioner,)	1:21-cr-420-1
)	
v.)	1:24-cv-522
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on July 23, 2024, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b), (Doc. 45). The Recommendation was served on the parties in this action on July 23, 2024. (Doc. 46.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.¹

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 45), is **ADOPTED. IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Petitioner promptly filing a corrected motion on the proper § 2255 forms.

1 Petitioner has filed a new 2255 action that is
proceeding on the docket. (See Doc. 47.)

The court further finds there is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 31st day of October, 2024.

William L. Osten, Jr.
United States District Judge